

Page 1

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

OREGON FIREARMS FEDERATION,)	
INC., et al.,)	
)	
Plaintiffs,)	
)	Case Nos.
v.)	2:22-cv-01815-IM,
)	3:22-cv-01859-IM,
KATE BROWN, et al.,)	3:22-cv-01862-IM,
)	3:22-CV-01869-IM,
Defendants.)	
)	
)	
)	
(Continued))	

* VIDEOCONFERENCE *
VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION
OF EXPERT
MARK T. HANISH

Witness located in:

Phoenix, Arizona

* All participants appeared via videoconference *

DATE TAKEN: JANUARY 13, 2023

REPORTED BY: Tia B. Reidt, Washington RPR, CSR #2798
Oregon #22-0001

BUELL REALTIME REPORTING, LLC
206.287.9066 | 800.846.6989

3a1315ad-3d63-4af9-ba9b-c58c534eb6ab

Ex. 2 - Dodd Decl.

Page 1 of 10

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Continued))
)
MARK FITZ, et al.,)
Plaintiffs,)
v.)
)
ELLEN F. ROSENBLUM, et al.,)
Defendants.)
)
KATERINA B. EYRE, et al.,)
Plaintiffs,)
v.)
)
ELLEN F. ROSENBLUM, et al.,)
Defendants.)
)
DANIEL AZZOPARDI, et al.,)
Plaintiffs,)
v.)
)
ELLEN F. ROSENBLUM, et al.,)
Defendants.)

APPEARANCES

For the Eyre Plaintiffs:

SHAWN M. LINDSAY
JURISLAW, LLP
Three Centerpointe Drive, Suite 160
Lake Oswego, OR 97035
(503) 968-1475
Shawn@jurislawyer.com

For Fitz and Azzopardi Plaintiffs:

JAMES L. BUCHAL
MURPHY & BUCHAL, LLP
P.O. Box 86620
Portland, OR 97286
(503) 227-1011
Jbuchal@mbllp.com

For Oregon Firearms Federation:

LEONARD WILLIAMSON
VAN NESS WILLIAMSON
960 Liberty Street SE, Suite 100
Salem, OR 97302
(503) 365-8800
L.williamson@vwllp.com

For the Proposed Intervenor-Defendant Oregon Alliance
for Gun Safety:

ZACHARY J. PEKELIS
PACIFICA LAW GROUP
1191 Second Avenue, Suite 2000
Seattle, WA 98101
(206) 245-1700
Zach.Pekelis@PacificaLawGroup.com

APPEARANCES CONTINUED

For the non-intervenor defendants, governor, the
Attorney General, and the superintendent of the Oregon
state police:

BRIAN MARSHALL
OREGON DEPARTMENT OF JUSTICE
SPECIAL LITIGATION UNIT
100 SW Market Street
Portland, OR 97201
(971) 673-1800
Brian.S.Marshall@doj.state.or.us

Videographer:

BROOK YOUNG
BUELL REALTIME REPORTING
1325 Fourth Avenue, Suite 1840
Seattle, WA 98101
(206) 287-9066
Brook@BuellRealtime.com

* * * * *

BUELL REALTIME REPORTING, LLC
206.287.9066 | 800.846.6989

1 Q. And did you encounter the 2004 study in your
2 day-to-day work?

3 A. It had been quite some time since I had seen
4 that, but I revisited it with -- with these cases.

5 Q. And did Mr. Keane from NSSF also suggest the
6 2004 report?

7 A. No.

8 Q. How did you come across that?

9 A. Just researching.

10 Q. And by researching, you mean searching in
11 Google or did you use something else?

12 A. No, Google.

13 Q. Did you compare the estimates in the 2021
14 National Firearms Survey to any other sources?

15 A. Not directly.

16 Q. Do you have any source of information about
17 the 2021 National Firearms Survey other than the
18 information that is in the report itself?

19 A. Could you say that one more time? Do I
20 have --

21 Q. Do you know anything about the 2021 National
22 Firearms Survey that is not in the report itself?

23 A. No, other than looking at some of the
24 extensions on there and then, you know, having personal
25 knowledge of some of the things, you know, that all,

1 you know, check out through, you know, just my personal
2 knowledge of it.

3 Q. And by extensions, do you mean the appendices
4 that you included in your report?

5 A. Yes.

6 Q. And those are part of the original SSRN
7 download?

8 A. Yes.

9 Q. Have you spoken to Dr. English before?

10 A. No, I have not spoken to Dr. English.

11 Q. Did you try to speak with Dr. English about
12 this report?

13 A. I did not.

14 Q. Why not?

15 A. The one or two pieces of information out of it
16 that, you know, supported my opinion on it is what I
17 referenced out of it, and that was it.

18 Q. Has the 2021 National Firearms Survey been
19 published in a peer-reviewed journal?

20 A. I do not know.

21 Q. How were the participants for this survey
22 recruited?

23 A. That I remember -- that is in the -- in the
24 document, and I don't know that you want me to read
25 that and regurgitate it. Or is that what you would

1 pistol grip.

2 Q. That doesn't relate to magazine size; correct?

3 A. Correct.

4 Q. And that rule doesn't exist in Oregon?

5 A. Not that I'm aware of, no.

6 Q. With respect to the other difference -- the
7 differences that is in -- the number of rounds that are
8 available and potentially difficult to reload, are
9 those the other differences?

10 A. Yes.

11 Q. Are there any other differences with a
12 10-round-capacity magazine or what you call a
13 standard-capacity magazine?

14 A. Is it -- I missed the point of your question.
15 Is there a difference in the magazines?

16 Q. Is there a difference in the performance aside
17 from the number of rounds available and potentially the
18 difficulty to reload and the performance of a 10-round
19 magazine or a larger magazine?

20 A. No, the mechanical function of the action is
21 the same.

22 Q. Why would FN have introduced this weapon?

23 A. To service customers in the state of
24 California.

25 Q. Do you know of any reason why this weapon

1 Q. Okay.

2 And just to kind of elaborate on that a little
3 bit, do you have any training or experience in
4 analyzing surveys or polling data?

5 A. No.

6 Q. Okay.

7 And do you consider yourself an expert in any
8 way in polling or statistics?

9 A. No. Not in polling, other than I think I've
10 seen more Frank Luntz videos than I care.

11 Q. Fair enough.

12 And Frank Luntz, remind me who he is.

13 A. Oh, he was just the -- just the polling guy
14 that was all over the elections. He used to be the --
15 I'm sorry, it was --

16 Q. (Speaking simultaneously) pollster; right?

17 (Reporter asks parties to speak one at a
18 time.)

19 (Reporter clarification.)

20 THE WITNESS: I was just making --

21 (Reporter clarification.)

22 THE WITNESS: Oh.

23 BY MR. PEKELIS:

24 Q. My question was (inaudible Zoom audio)?

25 (Reporter clarification.)

1 BY MR. PEKELIS:

2 Q. He's a Republican pollster, Frank Luntz?

3 A. I actually don't know his politics. He's the
4 only pollster that I remember seeing on all the TV
5 channels. So I apologize for making a joke.

6 Q. No, that's fine.

7 I guess the bottom line is you're not in a
8 position to assess the validity or the reliability of
9 the 2021 National Firearms Survey?

10 A. I am not a polling expert.

11 Q. So in paragraph 28, it looks like you're
12 quoting some of the National Firearms Survey, and I
13 would like to focus on two of the data in that block
14 quote paragraph. You'll see it says "31.1 percent of
15 gun owners or approximately 25.3 million adult
16 Americans have used a gun in self-defense. Gun owners
17 engage in approximately 1.67 million defensive uses of
18 firearms per year."

19 Do you see that?

20 A. Yes.

21 Q. Okay.

22 So first, I want to focus on that 1.67 million
23 defensive uses of firearms per year.

24 Does that number strike you as accurate?

25 A. It does.

C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF PIERCE

I, Tia Reidt, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of MARK T. HANISH, having been duly sworn, on January 13, 2023, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day of January, 2023.



/s/ Tia B. Reidt
Tia B. Reidt, RPR, CSR #22-0001
NOTARY PUBLIC, State of
Washington.
My commission expires
5/15/2026.